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வெளிநாட்டிலிருந்துதான் வந்துகொண்டிருக்கின்றன. இப்பொழுது பரீட்சார்த்தமாக சர்க்கார் இந்தக் கர்ப்பூரம் விளைவிக்கக் கூடிய "ப்ளாண்ட்" பயிராவதற்கு முயற்சி செய்து கொண்டிருக்கிறார்கள்.

Mr. SPEAKER : கனம் அங்கத்தினர் திரு. கல்யாணசுந்தரம் அவர்கள் தம் கேள்விக்கு மீண்டும் இப்பொழுது பதிலளிக்கவேண்டுமென்று என்னிடம் கேட்டார். அதை ஏற்கனவே கனம் அங்கத்தினர் திரு. எஸ். எம். அண்ணாமலை அவர்கள் போட்டு அதற்குப் பதிலும் கொடுக்கப்பட்டு விட்டதால் அதை மறுபடியும் எடுத்துக்கொள்வதற்கில்லை என்று அவர்களுக்குத் தெரிவிக்கிறேன்.

Questions are over.

[NOTE.—**An asterisk (*) at the commencement of a speech indicates revision by the Member.**]

II.—PRIVILEGE MATTERS.

* THE HON. SRI M. BHAKTAVATSALAM : Mr. Speaker, Sir, I would like at the outset, to express to you the gratification and appreciation of the entire House at the very firm stand you have taken regarding the question of jurisdiction that could be exercised over you. Sir, it is indeed a matter of pride to this Honourable House that we have in you an ideal Speaker. Sir, you and this House are quite zealous in upholding the dignity and the supremacy of this House. May I say, that this House and you, Mr. Speaker, are equally zealous about safeguarding the dignity, integrity and independence of the judiciary? I may also claim that we in this House are even more zealous in safeguarding the dignity and independence of the judiciary than the 120 learned advocates who are reported to have filed Vakkalats for the writ petition against you. Sir, you took your stand on Article 212 of the Constitution Article 212 (1) says— 9-30 a.m.

"The validity of any proceedings in the Legislature of a State shall not be called in question on the ground of any alleged irregularity of procedure."

Article 212 (2) also says—

"No officer or member of the Legislature of a State in whom powers are vested by or under this Constitution for regulating procedure or the conduct of business, or for maintaining order, in the Legislature shall be subject to the jurisdiction of any court in respect of the exercise by him of those powers."

Sir, not only are we interested in upholding the dignity of the House and the Judiciary but we are also vitally interested in safeguarding the sanctity of our Constitution and the House would remember that we had to pass an extraordinary piece of legislation in order to safeguard the sanctity of our Constitution. Sir, there is the other Article 211 which reads like this—

"No discussion shall take place in the Legislature of a State with respect to the conduct of any Judge of the Supreme Court or of a High Court in the discharge of his duties."

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Sir, I would like to submit that the word 'conduct' cannot be given a very wide meaning so as to include comments and references to judgment of courts. If such a wide interpretation is to be given, that would mean that this House will be completely shut out from taking notice of any observations of the court against a Minister or any officer of the Government. It will prevent this House from exercising its privilege, its right, to take notice and take such action as they deem it fit. It would prevent the House even from eliciting information on certain comments of the High Court that this House comes across. You are aware that we do see institutions outside, particularly journals have been commenting freely on the various judgments pronounced by the High Court. Therefore, it cannot be contended that this House cannot exercise even that much of right to make reference or to make comment about any observations made by the Honourable Judges of the Court. So, the word 'conduct' cannot mean reference to judgment or comments on certain observations in a judgment.

Then with regard to the point, whether the discussion would transgress what is enjoined in Article 211 with respect to the conduct of any Judge of the Supreme Court or High Court, it is your supreme authority that should decide about it. You, Mr. Speaker, will have to regulate the discussion and you have been doing it with such a high sense of decorum and satisfaction to the entire House. It is for you and you alone, to say whether any discussion in this House transgresses what is forbidden under Article 211 of the Constitution.

Then I would refer to Article 194 (2) of the Constitution. It says —

"No member of the Legislature of a State shall be liable to any proceedings in any Court in respect of anything said or any vote given by him in the Legislature or any committee thereof, and no person shall be so liable in respect of the publication by or under the authority of a House of such a Legislature of any report, paper, votes or proceedings."

You will notice, hon. Members will notice that this Article 194 (2) is absolute. Under Article 194 (1) there is a proviso which says—

"Subject to the provisions of this Constitution and to the rules and standing orders . . ."

But in Article 194 (2) there is not even that proviso and there is absolute prohibition. Sir, hon. Members of this House do enjoy absolute immunity from any proceedings that could be had outside the House. This is the position and there is no doubt about it so far as this House and so far as those who are outside the House are concerned. But I do submit that there is no harm and we need not be in a hurry about discussing various references that have been made in this House and which you have posted for to-day's discussion. I would submit that we may wait and see what the High Court has got to say. That does not mean—again I would repeat—that we have any doubt about the stand you have taken. But still, Sir, I would make a suggestion, if I may, about the discussion that is posted today regarding the various privilege

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motions that were given with reference to the *writ of mandamus* that was filed against you and also reference that was made by the hon. Member, Sri Lazar the other day which you have also posted for today might be postponed to some later date when the House will sit after it is adjourned either tomorrow or on the 12th instant.

SRI M. KALYANASUNDARAM : Sir, I have no objection to the postponement of the matter . . .

MR. SPEAKER : It was agreed that the Hon. Minister for Home should make a statement. If I now allow the hon. Member to speak, then I must allow others also to speak.

SRI M. KALYANASUNDARAM : Sir, I want to refer to another point.

MR. SPEAKER : I have no objection to the hon. Member raising his point after the House has given its decision to the request of the Hon. Minister for Home.

Now, my position is clear. I have stated my stand and I am at the disposal of the House. If the House agrees to the postponement of the matter, I would agree to it. I take it that the House is in favour of the postponement of the discussion to a later date.

SRI M. KALYANASUNDARAM : Sir, with regard to the matter raised by the hon. Member, Sri Lazar, the case asking him to appear before the court for contempt, if my information is correct, is posted to some date in October. The Assembly may be meeting again only during November or so and I do not know it. But now it will adjourn on the 12th instant, and meet again too late after the High Court has investigated the complaint against the hon. Member, Sri Lazar. So far as I am concerned, I have no sympathy for the matter raised by the hon. Member Sri S. Lazar.

MR. SPEAKER : The hon. Member is giving an opinion.

SRI M. KALYANASUNDARAM : As far as the Constitution is concerned, an hon. Member of this House cannot be proceeded against in respect of a speech made by him in this House. But the hon. Member Sri S. Lazar has to appear before the Court to answer a charge. The House must know what is to happen.

THE HON. SRI M. BHAKTAVATSALAM : Regarding the point raised by the hon. Member Sri M. Kalyanasundaram, Government propose to ask the Advocate-General to take up the matter and give such aid as would be necessary to the hon. Member Sri S. Lazar.

MR. SPEAKER : As a matter of fact, I am unable to give an opinion immediately. The hon. Member Sri Kalyanasundaram has taken me by surprise. If the hon. Member has asked me in my Chamber I would have given him advice. Now the Hon. the Home Minister has made known Government's intention. I think now the hon. Member Sri Kalyanasundaram has nothing further to ask on this matter. The matter is closed.